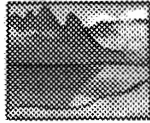


FRIENDS OF CUYAMACA VALLEY

SAN DIEGO  
WATER QUALITY  
CONTROL BOARD2005 MAY 11 AM 11:13  
PO Box 1733  
Julian, CA 92036

May 2, 2005

California Regional Water Quality Control Board  
San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123

RE: May 11th, 2005 (9AM) SDRWQCB Public Hearing in Laguna Beach, Ca (ITEM #9. Lake Cuyamaca Park & Recreation District comments and testimony on a proposed discharge of sewage waste to groundwater thru a subsurface disposal system at the Lake Cuyamaca Recreation Area.

I am resubmitting my letters of 1/11/04 and 5/27/04 to refresh your memory of my numerous concerns about this project from the very beginning. (March, 2001) I spent three years investigating and scrutinizing the proposed project, by communicating with any and all available agencies and staff members that were relevant, or had oversight to the situation concerning the sewage waste disposal of LCPRD. I will have to state that the San Diego County agencies that I contacted were very unwilling to support my efforts to research the proposed project. Most of my substantial guidance and honest instruction was given to me directly from the Sacramento offices that have the authority to challenge and inquire into such matters. They all wondered why it was, that I was not assisted more by the very agencies that had the first-hand knowledge and the responsibility of supervising this type of project in San Diego County.

The LCPRD has continually disregarded county, state, and water board rules and regulations to proceed with this proposed infiltration system at any cost. (Since March 26, 2001) They relied on obsolete perc tests and scientific data from the driest year in 100 years to make their reports concur with the required specifications. They have constantly "pleaded poverty" when they are mandated to comply with the same rules and regulations that all other citizens and agencies must comply with. They paid little or nothing at all for 30 years to dispose of their sewage waste by spraying it on the ground on the Tulloch ranch. This is an AG Preserve Parcel contracted under the Williamson Act, where surface spraying and sub-surface spraying of sewage waste is not permitted!

Now, 4 years later, (from March 2001), their own well sampling has proven that they chose the wrong project, at the wrong place, at the wrong time! They MUST FINALLY be DENIED the permit to discharge in this Class 5 injection well system they stubbornly proceeded to have installed, without even professionally analyzing the

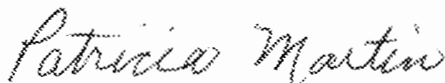
groundwater first. As you all must be aware, since you are overseen by the EPA, that they have very real concerns about putting septic systems in fractured rock: this area IS fractured rock! This project IS a very large septic system as well (Enclosed please review the 9/30/02 memorandum from CRWQCB geologist Barry Pulver to CRWQCB staff Brian Kelley and Brian Ott) THIS IS THE MOST IMPORTANT AND PERTINENT MATTER NOW.}

As stated in the Executive Officer's Report of 4/13/05:

Based on the Regional Board's latest review of the well sampling, the Regional Board determined that the District(LCRPD), upon initiation of the discharge to the disposal system, WOULD IMMEDIATELY BE IN VIOLATION OF THE DISCHARGE SPECIFICATIONS CONTAINED IN THE WDRS FOR CERTAIN CONSTITUENTS.

I do not understand why the CRWQCB has let this pollution and contamination go on day after day, year after year, when it is YOUR RESPONSIBILITY TO PUT AN END TO ALL OF THIS RIGHT NOW! Please issue a CEASE AND DESIST ORDER IMMEDIATELY and please no more "good-ole-boy's-club" and "pleading poverty" RULES! If you are the water quality control board working along with the Environmental Protection Agency then PLEASE PROTECT OUR WATER IN THE CUYAMACA WATERSHED!

Sincerely,



Patricia Martin  
Friends of Cuyamaca Valley



# California Regional Water Quality Control Board

## San Diego Region

Winston H. Hickox  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.cwrqcb.ca.gov/rwqcb/>  
174 Sky Park Court, Suite 100, San Diego, California 92123  
Phone (619) 467-2052 • FAX (619) 571-6972



Gray Davis  
Governor

### MEMORANDUM

To: Brian Kelley, Bryan Ott  
From: Barry Pulver, R.G., C.E.G., C.H.G.  
Date: September 30, 2002

RE: Report of Waste Discharge for Lake Cuyamaca Recreation and Park District  
Wastewater Infiltration Disposal System

Pursuant to your request I conducted a geologic and hydrogeologic evaluation of the Report of Waste Discharge for the Lake Cuyamaca Recreation and Park District Wastewater Infiltration Disposal System (ROWD). My evaluation included a review of the ROWD prepared by Kennedy/Jenks Consultants, dated January 28, 2002, and a site visit conducted on August 27, 2002. Based on my review I present the following comments/questions for your consideration.

★ **General Comment:** The overriding question regarding the proposed discharge of waste is whether it has the potential to impact either surface water and/or groundwater quality. This requires a defensible study of the pathways that will enable the waste discharge to migrate to these receptors. The pathways to surface water can be migration through soil, weathered igneous rock and fractured igneous rock, as well as surface migration should the system fail and the waste migrate to the surface. Due to the anticipated discharge rate it is important to evaluate these items in regard to be protective of the valuable surface water and groundwater resources in this area.

#### *Specific Comments*

1. A report titled, "Geology of an Area in the Vicinity of Proposed Lake Cuyamaca Infiltration System (Geology Report)," prepared by Kennedy/Jenks Consultants, dated January 26, 2002, is included as an attachment to the ROWD. However, there is no site-specific geologic/hydrogeologic information. There is no information regarding any subsurface investigations to evaluate the nature and character of the site soil and bedrock, fracture location and frequency, or groundwater elevation and flow direction. Furthermore, it is not clear whether a site reconnaissance was even conducted by the author of the Geology Report. The lack of site-specific information greatly limits the ability to develop a defensible opinion whether the proposed discharge will result in impacts to water quality. The permittee should be required to submit an amended Geology Report that includes site-specific information.

In addition to providing site-specific information the amended Geology Report should address (by an appropriate registered professional) the following:

#### California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web site at <http://www.swrcb.ca.gov>.

Recycled Paper



Memorandum

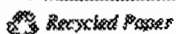
- 2 -

September 23, 2002

- a) The proposed leach field is in an area with a slope of about 20% (elevation difference 4725 to 5672 = 50 feet over a horizontal distance of approximately 250 feet). In addition there are "rocky areas" mapped in a band between elevations of 4690 and 4710. The slope angle and the mapped "rocky areas" suggest that the depth to bedrock in this area may vary significantly. The soil profile and depth to rock in this area should be investigated and an opinion should be made whether there is enough soil to prevent the surfacing of the waste and whether there are preferential pathways, such as fractures and changes in soil and/or lithology, that might influence the migration of the wastes through the subsurface.
  - b) Granitic rock outcrops were observed at the site and the map included in the ROWD indicates the presence of "Rocky Areas" in the vicinity of the leach line. An evaluation should be conducted so that an appropriately registered professional can make an opinion whether fractures exist in these rocks that may act as conduits to groundwater.
  - c) The actual soil thickness should be determined for the area of the proposed leach line and an opinion made by an appropriately registered professional whether the proposed discharge will be confined in the soil or discharge to the surface.
2. Eleven percolation tests were conducted with rates varying between 14.7 and 125 minutes per inch (mpi). The average percolation rate for the eleven tests is reported to be 58.5 mpi. This value was used to design the leach field length of 7,428 feet for a discharge of 8,000 gallons per day. However, only six of the eleven tests (test nos. 2, 3, 4, 5, 6, and 7) are located in the area of the proposed primary leach field, and there are no percolation tests in the area of the proposed reserve leach field. I have two comments regarding this issue:
- What percolation rate was used to design the reserve leach field? Based on the range of percolation rates (a difference of over 600 percent) how valid is it to use the existing percolation data to design the reserve leach field?
  - The length of the leach field was recalculated only using the percolation test data from the location of the primary leach field (test nos. 2, 3, 4, 5, 6, and 7). The recalculated average percolation rate was 61 mpi. For a discharge of 8,000 gallons per day the recalculated leach field length was 8,330 feet, a difference of over 10 percent.

Depending on how the percolation tests are evaluated, there could be differences in the proposed leach field design. The permittee should address these differences, provide a rationale as to why the approach used is appropriate, and whether the differences in design could result in an impact to surface and/or groundwater.

*California Environmental Protection Agency*



3. Patrick Brown, the engineer who conducted the percolation tests, stated that there is at least seven feet of soil beneath the bottom of the proposed leach line trenches. Mr. Brown should be directed to submit evidence to support this contention.



May 27, 2004

California Regional Water Quality Control Board  
San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123

RE: June 10<sup>th</sup> SDRWQCB Public Hearing: Adoption of tentative order # R9-2004-0015  
for Lake Cuyamaca Rec. & Park District

I am recovering from serious neck surgery and cannot be present at the public hearing on June 10<sup>th</sup>, so I am sending these documents and concerns by certified mail. I do hope you will address them.

Main concerns to be addressed before the board adopts the permit to discharge on proposed site:

1. Enclosed Barry Pulver memorandum of 9-30-02 to Bryan Ott and Brian Kelley was never responded to. Perc tests and soil levels were never supported by proof.
2. Need new perc tests on entire six acres (primary and reserve fields). Lake Cuyamaca Recreation and Park District (LCR&PD) is using three-year-old perc tests on only the primary field in the driest year in 100 years (2001).
3. EPA states that sensitive, fractured rock areas require higher standard pre-tests to qualify injection-5 systems. This area is fractured rock.
4. Who will weld shut the RV dumpsite holding tank at Lake Cuyamaca? If they still let campers dump RV waste, what happens to it? This decision must be honestly addressed to those that are concerned about it.
5. LCR&PD should explain why they turned down the Padre Dam's offer to dispose of their wastewater at a much reduced rate in the Santee Treatment Plant. It seems that if they can get a *grant* to construct the proposed costly injection-5 system, they could use that same grant to do the preferred and safe method of disposal by trucking it to the Padre Dam water treatment plant. This would be fail-safe, and would not require the desecration of the proposed site which is adjacent to a pristine cultural site, scenic highway, and in the Cuyamaca Water Shed Protection Project.
6. I, as a private tax-paying citizen, demand the monitoring to be professional, unbiased, unbribeable, and transparent to any of us who has concerns of the "fox guarding the henhouse" monitoring by LCR&PD.
7. LCR&PD stated erroneously that because of the Cedar Fire, there is no flora left on the proposed site. This is absurd. There were more sensitive and/or endangered plant species there this year, than in many previous years. I understood that LCR&PD and Helix Water District have contracts with Fish&Game and US Fish&Wildlife to SAVE THE PLANTS! (STP brochure enclosed.)

8. Please deny this permit for the good of Cuyamaca Valley and the Cuyamaca Water Shed Protection Project. If this permit is adopted by the Regional Board and the environmentally hazardous construction is allowed to proceed, then the Regional Board will be the responsible party, should this system fail. Why not err on the side of caution and demand they truck their wastewater to the Padre Dam water treatment plant?

Thank you for your time and attention.

Sincerely,

*Patricia Martin*

Patricia Martin

Friends of Cuyamaca Valley

2/11/04

Pg B2

## IE REGION

and was delayed about 90 minutes during an investigation, a deputy said. Passengers on another northbound Coaster, the last scheduled for the night, were transferred to buses at Poinsettia Avenue and taken to their next stations. Three Amtrak trains also were delayed.

### Fix is offered for lake issue

Moved by concerns that Lake Cuyamaca could close, directors of the Padre Dam water district offered a temporary fix yesterday for the lake's wastewater disposal problem.

The water board voted unanimously to dispose of Lake Cuyamaca's wastewater in Padre Dam's sewage treatment plant, charging the agency operating the lake's recreation services a \$2,900 monthly fee.

But the manager of the park district running the lake, Hugh Marx, says he'll have to turn down Padre Dam's offer because the agency doesn't have the money to pay the fee.

Marx had previously said he feared the district couldn't offer boating and camping at the lake if the agency wasn't able to find a way to dispose of wastewater by an April deadline.

For years, the park district has been trucking wastewater to a site about five miles away and spraying it on the land there. After the land was purchased by the Nature Conservancy in 2001, the park was told it will have to stop using the site.

The park district wants to build a septic system on land it owns at state Route 79 and Sunrise Highway, and is awaiting government approvals for the project. The septic system is opposed by Save Our Forest and Ranchlands, and Duncan McPetridge, who heads the environmental group, said he is considering filing a lawsuit challenging the environmental review.

\* Mike Uhrhammer @ 619-258-4613

Uhrhammer  
Spoke with Mike ~~Uhrhammer~~ from  
Padre Dam water district on 2/27/04.  
He said he could not understand  
why Hugh Marx and the LCR+PD  
wouldn't want to go for their  
offer. Only \$34,800 a year com-  
pared to supposed cost of \$200,000  
a year they <sup>(LCR+PD)</sup> contend it would  
cost to truck sewage water to  
El Cajon treatment plant.

Patricia Martinez





January 11, 2004

Hugh Marx & Lake Cuyamaca Board of Directors  
Lake Cuyamaca Recreation and Park District  
15027 Highway 79  
Julian, CA 92036

Re: Lake Cuyamaca Wastewater Infiltration System

Dear Lake Cuyamaca Board of Directors:

Every State, County, and City governmental agency that was ever involved in decisions concerning Lake Cuyamaca and their sewage disposal has failed in administering, enforcing, and monitoring this ongoing environmental disaster. For years, the Department of Planning and Land Use (DPLU) has failed to monitor and enforce the Williamson Act, thereby letting this land be used and abused by spraying sewer water on the surface. This was and never will be a complying use under the Williamson Act. San Diego Regional Water Quality Control Board (SDRWQCB) actually gave the Lake Cuyamaca Recreation and Park District (LCR&PD) permission to spray on the ground. SDRWQCB has never even demanded or taken a soil sample to determine what chemicals and pathogens have saturated this delicate and sensitive part of the Cuyamaca water shed for thirty years.

The DPLU was supposed to monitor and enforce the Williamson Act in order to be reimbursed by the State with subvention money. That paid the County back for the loss of property taxes that the Williamson Act landowner did not have to pay the County. These landowners (i.e. Ben Tulloch) only had to pay 10% of normal property taxes if they contracted with the State and County under the Williamson Act. The ranchers and farmers *had* to comply with the rules and regulations that the Williamson Act lawfully mandated. Mr. Tulloch has not complied for at least thirty years. He then sold the property to The Nature Conservancy (TNC) on January 16, 2002. Spraying sewer water both *on* the ground and *in* the ground are non-complying uses under the Williamson Act.

TNC made a deal with Mr. Tulloch to purchase all the Tulloch Ranch (except 37.31 acres that had been surreptitiously sold to LCR&PD for below fair-market value on October 16, 2001). Per escrow instructions, TNC was to continue allowing the spraying of sewer water on their newly acquired property until June 1, 2003 (on the same spray site that Ben Tulloch had allowed the LCR&PD to use for thirty years).

The State Water Resources Control Board (SWRCB) funded TNC \$5,300,000.00 of low interest state-revolving funds to purchase the 1200 acre ranch: to create and preserve the Cuyamaca Water Shed Protection Project (Loan No. C-06-6081-110). TNC should be ashamed of their environmental name and their acceptance of the SWRCB funding because

they have not ended the surface spraying on June 1, 2003 (per escrow). The SWRCB has also been notified of the continued spraying and should put an end to it immediately.

Department of Environmental Health (DEH) gave LCR&PD a septic tank permit for the proposed site on December 6, 2001, with the wrong parcel number on it. They also failed to make sure any and all environmental and CEQA documents had been completed and turned it before issuing the permit.

"Someone" in the tax assessor's office illegally erased "ag-preserve" from the newly acquired 37.31 acres when the new parcel map was drawn up on January 16, 2002. This was the day TNC purchased the rest of the Tulloch Ag-Preserve Parcel. The "someone" also deleted the ag-preserve indicator out of the computer bank. It has since been corrected on the map and re-entered into the tax assessor's computer. This act was and is an illegal act by an employee in the County of San Diego Tax Assessor's Office.

As you can see, no department has done their job in a professional and honest manner. Money, or lack there of, seems to always be the excuse to not do the right thing!

This project should be denied immediately and the LCR&PD should be reprimanded for spraying sewer water on Williamson Act land for thirty years now. Their options are to sell the 37.31 acres for *fair-market value* and buy elsewhere; or truck their sewer water to a treatment facility just as the rest of San Diego reservoirs do, regardless of the cost or the distance. If SDRWQCB does not deny the proposal this time, the LCR&PD must be mandated to:

1. Perform new perc tests in proposed site as well as perform first perc test in the 300% expansion site (expansion mandated by county rules). Old perc test was performed in July 2001, the driest year in 100 years.
2. Perform new cultural resource and biological tests in 300% expansion site.
3. Finally produce a true soil sample overseen by the Cuyamaca Sponsor Group and other concerned citizens of Cuyamaca. This soil sample should be taken at the thirty-year-old spray site, at the pond down from the spray site, and again at the hand-dug Tulloch well. The initial study in the Kennedy-Jenks report of July 2001 declared a high content of formaldehyde detected in the hand-dug well. Their explanation for the high content was "surface contamination" (possibly cow, mountain lion, or other wild animal feces or even big RV parties that the Tullochs were supposed to have had at that very spot in years past!)

DPLU should be fined the subvention money they received for NOT enforcing and monitoring the Williamson Act that Mr. Tulloch was encumbered by till January 16, 2002.

Mr. Tulloch should be fined for the non-compliance under the Williamson Act and repay the County 90% more taxes that he should have paid for the last thirty years until he sold the property to TNC.

January 11, 2004

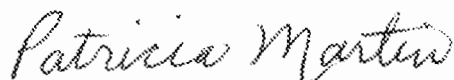
The LCR&PD, the County, and Mr. Tulloch should ALL have to pay to clean up the environmental disaster (the spray site and the damage done from the runoff down the valley to the hand-dug well and the high water mark at the reservoir). This would be justified just as the petroleum polluters have been mandated to do in Julian, for polluting the ground and aquifer for the past 50 years.

LCR&PD should never be given the opportunity to buy their way out of the Williamson Act three years too late. They never have and they never will meet the findings to qualify acquiring the Williamson Act land as a public agency to put the proposed infiltration system on. They did not:

1. notify the Division of Land Resource Protection within ten days of purchasing the parcel.
2. prove that they purchased the land in good faith and for fair-market value.
3. prove that there was no other land available in the area to buy, not encumbered by the Williamson Act.

After investigating this proposed project since March of 2002, I am convinced beyond a doubt that this ~~LCR&PD system~~ <sup>project</sup> is detrimental to the environment and the water quality of our valley. All my findings are accurate and can be proven by the many documents I have received from Sacramento and San Diego government agencies. Please, above all, understand that this is not a personal grudge against Lake Cuyamaca or the community, but is a serious and heartfelt belief that this project will permanently harm Cuyamaca Valley and its water shed.

Sincerely,



Patricia Martin  
Friends of Cuyamaca Valley

cc. Ted Griswold, Esq.  
Procopio, Cory, Hargreaves & Savitch, LLP

Rose Blake, Planner  
SD County Dept. of Planning and Land Use

Bryan Ott, Water Resource Control Engineer  
San Diego Regional Water Quality Control Board

Bob Blanford, Research Analyst  
Division of Land Resource Protection

February 6, 2002

F

## NATURE CONSERVANCY PURCHASES 2,100-ACRE RANCHO CUYAMACA

SAN DIEGO.-The Nature Conservancy of California announced today its recent purchase of a historic ranch on the northern edge of the Cuyamaca Reservoir. By protecting the biologically important ranch from development, the Conservancy is also helping safeguard the region's water supply.

Known both as Rancho Cuyamaca and the Tulloch Ranch, the approximately 2,100-acre property features unusually diverse wildlife habitats that are home to mountain lions, golden eagles, bobcats, deer, the California spotted owl, and rare and sensitive plants.

Rancho Cuyamaca contains the important watershed that feeds Cuyamaca Reservoir. Cuyamaca Reservoir serves residents of the cities of La Mesa, El Cajon, Lemon Grove and parts of the unincorporated area. Releases from the reservoir flow down Boulder Creek to the San Diego River and onward to El Capitan Reservoir, a major source of drinking water for the City of San Diego.

"Putting the ranch under conservation management, as The Nature Conservancy will do, will protect the watershed from degradation and enhance the chances that San Diegans in the future will continue to live in an area rich in wildlife and natural open spaces," stated San Diego County Project Director Ann Van Leer.

Much of the conservation value of Rancho Cuyamaca derives from its high-quality aquatic resources, including freshwater seeps, wetlands, vernal pools, intermittent streams, and montane wet meadows. Because of the critical need to protect drinking water sources, The Nature Conservancy received a loan from the State Water Resources Control

Board (SWRCB) to acquire the property. The transaction closed on January 16, 2002.

"This key purchase provides a myriad of natural resource benefits, including watershed protection," said SWRCB Chair Art Baggett. "The Board is glad we could help The Nature Conservancy make this purchase."

"San Diegans place a high value on fresh water and the protection of our natural areas," said Van Leer. "We very much appreciate the State Water Resources Control Board's help in this transaction."

Rancho Cuyamaca also occupies a strategic location in a growing network of protected open spaces in San Diego County's backcountry. The ranch is six miles south of the community of Julian and close to Cuyamaca Rancho State Park, which abuts the south shore of Cuyamaca Reservoir. It is adjacent to the Lucky Five Ranch, which adjoins Cuyamaca Rancho and Anza Borrego State Parks. The private Anza Borrego Foundation recently purchased about two-thirds of the Lucky Five Ranch and resold it to the California Department of Parks and Recreation for inclusion in the state park system.

Rancho Cuyamaca has been used as a cattle ranch throughout much of its history. George Sawday, Great Grandfather of Margaret Alice Tulloch, purchased the property in 1943. It has been held in the family since then and used as a cattle ranch.

Rancho Cuyamaca was a high-priority acquisition of The Nature Conservancy's San Diego County Project. The Nature Conservancy has preserved more than 13,000 acres of important wild lands in San Diego County.

Julian News